



PALM BEACH COUNTY BAR ASSOCIATION

BULLETIN

www.palmbeachbar.org

February 2013



Members of the Young Lawyers Section Board distributed toys to foster children during the holidays and held a pizza party with Santa to distribute them. Special thanks to the Embassy Suites Hotel in West Palm Beach for donating the space, to the North County Section for their financial contribution and to Talia Suskauer and her friends for providing entertainment for the children.

Mark your calendar for upcoming Membership Events

February 1: Joint Luncheon with Federal Bar and Bankruptcy Bar Associations. Guest speaker is 11th Circuit Chief Judge Joel Dubina

March 1: Bench Bar Conference

April 5: Joint Luncheon with PBC Justice Assn. with Guest Speaker Marsha Hunter – Consultant on Persuasion and Public Speaking Techniques for Lawyers

April 24: Celebrate Administrative Professional Day with a Firm Trivia Contest

April 26: Inaugural Golf/CLE Program

April 30: Annual Judicial Reception

May 3: Law Day Luncheon with guest speaker Michael Glazier, Nationally Prominent Attorney Representing Universities Under NCAA Investigation

June 1: Annual Installation Banquet

“Presidential” speaker, innovative new sessions and format changes to make 2013 Bench Bar Conference a fresh and new experience for judges and attorneys



Becker will share his unique experience in the pardon process and his role as special counsel to President Ford.

The 2013 Palm Beach County Bench Bar Conference aims to appeal to both new and veteran attendees with a number of innovative new sessions and format changes. Among the highlights of the March 1st event will be a fascinating luncheon keynote by Former Special Counsel to President Gerald Ford and attorney Benton Becker. Mr. Becker was instrumental in the process that led to the pardon of President Richard Nixon and the disposition of Nixon’s papers and the famous tapes. President Ford asked Mr. Becker, who has served as an adjunct professor of constitutional law at the University of Miami, to research every aspect of the pardon’s constitutionality. Mr.

Continued on page 7

Inside...

President’s Message	3	Real Property Report	11
Professional Council	4	New Members.....	12
Probate Corner	5	Bankruptcy Corner.....	13
Diversity Corner	6	Holiday Party Highlights	14
Capital Campaign	7	Personal Injury Corner.....	15
Rules of Civil Procedure.....	8	Professionalism Corner.....	17
Technology Corner	9	Family Law Corner	19
Judicial Lunch.....	10	Bulletin Board.....	23

THE
BULLETIN
PALM BEACH COUNTY
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The mission of the Palm Beach County Bar Association is to serve its members, foster professionalism and enhance the public's understanding and awareness of the legal system.

LETTERS TO THE EDITOR

The Palm Beach County Bar Association Bulletin welcomes your comments on topics relating to the law, the legal profession, the Palm Beach County

Bar Association or the Bar Bulletin. Letters must be signed, but names will be withheld upon request. The editor reserves right to condense.

Send letters to:
EDITOR Bar Bulletin
Palm Beach County Bar Association
1507 Belvedere Road
West Palm Beach, FL 33406



South County Friends of Legal Aid Host Guy La Ferrara Event

On November 8, 2012 over 75 friends and supporters of Legal Aid Society mingled, partied and shopped at Guy La Ferrara's Italian Clothing for Men's store in Boca Raton. This was the inaugural event for the *South County Friends of Legal Aid* group and was hosted by Ric Benrubi, Scott Brenner, Ken and Robin Bresky, Charles Cohen, Lloyd Comiter, Fred Cunningham, Howard DuBosar, Lisa Glass, Jeff Grubman, Denise Isaacs, Gary Lesser, Seth Marmor, John Mulhall, Jeff Pheterson, David Pratt, Alan Rosenthal, Steve Rubin, Christopher Sajdera, Audrey Schneiderman, Gregg Shavitz, Robert Sheres, Matthew Triggs and David Zappitell.

All proceeds will go to support Legal Aid's Children's Advocacy Programs, providing critical legal assistance to abused, neglected, disabled and foster children.

Scott & Jamie Murray

Photo taken by Tracey Benson.



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President's Message



Honoring African American History Month

The 1983 Diversity Summit : Judicial Leadership Sparks A Landmark Event in Our Legal Community's History

By Adam Rabin

Background

In preparing for PBCBA's "Inaugural Diversity Summit" in 2009, the Committee for Diversity and Inclusion discovered that the term "inaugural" likely was a misnomer. Instead, the Committee learned that back in 1983, several courageous judges called for a series of *ad hoc* meetings with the leaders of Palm Beach County's majority-owned law firms. The judges were Judge Daniel T.K. Hurley, Justice Harry Lee Anstead and Judge Edward Rodgers.¹ The purpose of the meetings was to address the racial disparity in local firms' hiring practices and to encourage the firms to re-examine those practices. Looking back, these meetings were landmark events in our legal community's history and these judges deserve recognition for their leadership.

The Circumstances of the Meetings

Although Palm Beach County was legally integrated during the 1960's, as of 1981, no majority law firm in Palm Beach County (that we know of) had hired an African American attorney. In 1982, the firm of Lewis, Vegosen & Rosenbach hired Brian Brown, an exceptional young lawyer, who happened to be African American. Mr. Brown remained with the firm for about 18 months until the U.S. State Department offered him a position, where he still works today.

By 1983, several prominent African American attorneys – William Holland, F. Malcolm Cunningham, Sr. and I.C. Smith – already had blazed trails for minority attorneys in Palm Beach County, but these attorneys all worked at their own firms. Majority-owned firms still were not hiring African American attorneys and Judges Hurley, Anstead and Rodgers had grown concerned that our legal community was not providing fair opportunities. As a result, these judges called a series of three meetings with the principals at Palm Beach County's major law firms to address these issues.

At the first meeting, only a small number of firm representatives attended and only a few interviews of minority attorneys resulted. The judges, therefore, considered hosting a second meeting that was set in motion when a well-respected, African American prosecutor, Moses Baker, could not find a job in private practice in Palm Beach County. Having no success in finding a local job, Baker met with Judge Rodgers and informed him that he was considering moving to Tampa where he believed his job prospects would improve. Unwilling to lose Baker to another community, Judge Rodgers urgently called upon Judges Hurley and Anstead to organize a second meeting with local firms. The judges were concerned, in particular, that well-qualified minority lawyers in the State Attorney and Public Defender's Offices were not being given opportunities at local firms.

At this second meeting (which we now call the "1983 Summit"), the three judges actively recruited firm leaders to attend from all over Palm Beach County. The meeting was **standing room only** and held in the Fourth DCA's conference

¹ Judge Hurley and Justice Anstead then were both judges on the Fourth District of Court Appeal. Judge Rodgers was a judge on the Palm Beach County Circuit Court.

room. Notable attorneys believed to have been present were Bob Montgomery (deceased), Joe Reiter, Sid Stubbs, and Dean Rosenbach, among many others.

Justice Anstead presided over the meeting and led a discussion about the perceived barriers that were preventing majority firms from hiring African American lawyers. Some of the firms' representatives raised client concerns about hiring African American attorneys. Other firms noted that they were not hiring at that time. Some expressed that they were waiting for the "right" minority candidate. Numerous other alleged reasons were put forward, but no firm denied that there were several well-qualified minority attorneys available for hire.

After several hours of back and forth discussion, the ice finally broke when Bob Montgomery pointedly challenged the reasons given for local firms not hiring minority lawyers. Montgomery then turned his attention to Justice Anstead and exclaimed, "I'll hire two!" Montgomery's statement was a breakthrough moment and shifted the discussion towards how more firms could begin hiring minority attorneys.

After this 1983 Summit occurred, Judges Hurley, Anstead and Rodgers called a third, smaller meeting of the firms in an effort to monitor the firms' progress in hiring minority lawyers.

Within the months that followed the 1983 Summit, Bob Montgomery lived up to his word that his firm, Montgomery, Lytal, Reiter, Denney & Searcy, would hire two African American attorneys. The firm hired Moses Baker and Bettye King. Both Baker and King have gone on to have distinguished careers as jurists and lawyers, respectively. As the years progressed, other majority firms gradually began to hire African American lawyers.

The Significance of the 1983 Summit

The 1983 Summit was an historic example of three judges going beyond the call of duty to move our community forward. In doing so, Judges Hurley, Anstead and Rodgers risked both political capital and criticism that they were overreaching in their judicial authority. Yet, without these judges' leadership and collective will, the 1983 Summit likely would not have occurred. And without this landmark event, it is quite possible that Moses Baker and Bettye King would have spent their legal careers somewhere other than Palm Beach County or not have achieved their current level of success. It is also possible that many minority judges and lawyers throughout our community would not have had the same doors open for them. For that, our legal community should credit Judges Hurley, Anstead and Rodgers for their leadership and courage.

Adam Rabin is a partner with McCabe Rabin, P.A. and practices in business, securities and whistleblower litigation. He gives special thanks to Judge Daniel T.K. Hurley, Justice Harry Lee Anstead, Judge Edward Rodgers, Judge Moses Baker, Joe Reiter, and Dean Rosenbach for contributing information used in this article.

Understandably, after nearly 30 years, they have differing memories on the circumstances of these meetings. As such, the author has taken some liberties to reconcile the details and none of the facts above should be attributed to any particular person.



The Palm Beach County Bar Association's Employment Law Committee Presents:

Lunch and Learn

E-Discovery

Featuring: Christopher B. Hopkins, Esq.

February 19, 2013 - 11:45 a.m. - 1:00 p.m.

Bar Offices - *New Location:* 1507 Belvedere Road, West Palm Beach, FL 33406

Program Schedule

11:45 am - 11:55 am	Late Registration / Lunch
11:55 am - 12:00 pm	Welcome - <i>Christine D. Hanley, Esq., Christine D. Hanley & Associates, P.A., Employment and Labor Law CLE Committee Chair</i>
	Introduction - <i>Matthew N. Thibaut, Esq., Casey Ciklin Lubitz Martens & O'Connell</i>
12:00 pm - 1:00pm	E-Discovery - <i>Christopher B. Hopkins, Esq., Akerman Senterfitt</i>

Do you know the difference between e-discovery vs. e-retention? Has someone mentioned Zublake, Chin, or Da Silva Moore cases and you have no idea what they mean? Do you know the difference between predictive coding and intelligent review? In 2012, there was a record number of new opinions and jurisdiction-specific rules on e-discovery. Unfortunately, nearly one third of all e-discovery opinions involved sanctions against a party or lawyer. Employment lawyers need to understand e-retention vs. e-discovery, appropriate business practices and IT policies, as well as the rules governing e-discovery of electronically stored information (ESI). Social media continues to be a dominant issue in employment law. This Seminar will cover:

- * E-discovery, e-retention, and general overview
- * Florida e-discovery rules and ESI cases
- * Social Media in Employment Cases: NLRB guidance and discovery

Christopher B. Hopkins is a shareholder at Akerman Senterfitt and a litigator with a practice focused on e-discovery, e-retention, social media, and technology-related issues. He is the former chair of the Palm Beach County Bar Association Technology Committee and writes a monthly legal-technology column for the PBCBA's Bulletin. Mr. Hopkins has lectured on social media, e-discovery, technology and ethics, evidence and trial presentation and is the author of over 60 articles. Mr. Hopkins has created two law-related iPhone apps and is the host of InternetLawCommentary.com.

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This course is expected to receive **1.0 CLER** from The Florida Bar.

Enjoy an "Early Bird" discounted registration cost of **\$25** for PBCBA members/paralegals registered by **2/12/13** (\$65 for non-PBCBA members/paralegals). After **2/12/13**, cost of \$40 applies for PBCBA members/paralegals (\$80 for non-PBCBA members/paralegals).

All refund requests must be made no later than 48 hours prior to the date of the seminar.

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Name: _____ Telephone #: _____

Address: _____ Email Address: _____

____ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (2/19/13 Employ. Law.) Cost is the same as listed above, in addition to \$10 for shipping and handling. **PAYMENT BY CHECK ONLY, WITH THIS FORM.**

Palm Beach County Bar Association, 1507 Belvedere Road, West Palm Beach, FL 33406. Telephone: (561) 687-2800

Professionalism Council

Per Administrative Order No. 2.105/9-10, In Re: Fifteenth Circuit Professionalism Council, when an attorney appears before the Council because of conduct inconsistent with the Standards of Professional Courtesy or the Ideals and Goals of Professionalism, a summary of that meeting is to be published in the Bar Bulletin with the name(s) redacted.

Dear _____:

On November 27, 2012, the Fifteenth Judicial Circuit Professionalism Council was convened in accordance with Administrative Order 2.105-9/10 to discuss a written referral by _____ to the Professionalism Committee of the Palm Beach County Bar Association. By letter of November 5, 2012, the Committee invited you to attend the meeting of the Council, but you declined to do so. Nevertheless, the Council met and considered the letter of _____ and your response dated July 24, 2012. The Council also considered a video recording of the hearing of _____, 2012 before Magistrate _____ during which the behavior of which _____ complained occurred.

You and _____ represented parties in a Family Division proceeding in which your client was seeking the restoration of his driving privileges, which had been suspended because of his failure to pay child support. During the hearing, _____ raised certain factual allegations regarding the history of the matter to which you objected, stating that _____ was "lying to the Court". It did not appear from the recording of the hearing that you actually referred to _____ as a "liar". However, in your letter of July 24, 2012, you stated the following: "After several untrue statements I informed the Court that what _____ was saying was not true and he was a liar".

As reflected in the Administrative Order, the purpose of the Professionalism Council is to counsel members of the Bar who engage in conduct inconsistent with the Florida Bar's Ideals and Goals of Professionalism ("*Ideals*") and the Palm Beach County Bar Association's Standards of Professional Courtesy ("*Standards*"). Our goal is to educate and guide members of the Bar in an effort to avoid future conduct inconsistent with the *Ideals* or *Standards*.

Article III, Paragraph 1 of the *Standards* provides as follows: "Attorneys should refrain from criticizing or denigrating the court, opposing counsel, parties or witnesses, before their clients, the public or the media, as it brings dishonor to our profession." Paragraph 2 of Article III provides: "Attorneys should be, and should impress upon their clients and witnesses the need to be, courteous and respectful and not rude or disruptive with the Court, opposing counsel, parties and witnesses."

Paragraph 5 of the *Ideals* provides, "A lawyer should treat all persons with courtesy and respect and at all times abstain from rude, disruptive and disrespectful behavior."

During the hearing before Magistrate _____, you expressed your view that something that _____ was presenting to the Court was untruthful and that he was not being candid with the Court. The Council is of the opinion that by stating to the Magistrate that _____ had "lied to the Court", your conduct towards _____ was denigrating to your opposing counsel and was rude and disrespectful, in violation of Paragraphs 1 and 2 of Article III of the *Standards* and of Paragraph 5 of the *Ideals*.

The Council has observed and is of the opinion that impugning the character of opposing counsel is unacceptable in

hearings and trials. The Council believes that it would have been preferable for you to advise the Court in a dignified and factual manner that the material that opposing counsel was presenting in his argument was inaccurate. Although the video recording of the hearing reveals that you did not refer to _____ as "a liar", your own letter to this Committee states that you did in fact call him a liar. In any event, it appears that both you and _____ believed that the import of your comments to the Court was that _____ was a liar. By expressing your criticism of opposing counsel's presentation to the Court in such a manner, you have denigrated his character and were disrespectful, discourteous, and rude towards him, as opposed to simply demonstrating what you perceived to be the inaccuracy of his comments.

The role of counsel in appearing before the Court is to focus on the evidence, not the speaker. The Council believes that you impugned _____ character rather than focusing upon the evidence that _____ was presenting. Such conduct undermines the integrity of the process in which both counsel were engaged and denigrates the forum. The Council believes that referring to an adversary during a hearing as a liar or as having lied to the Court violates the *Ideals* and the *Standards* and is behavior that has no place in the judicial system or in any other dealings between attorneys.

We hope that this letter will serve as a guide to you in your future behavior toward opposing counsel.

/s/ Michael D. Mopsick

Co-Chair, Professionalism Committee, On Behalf of the 15th Circuit Professionalism Council

Board Meeting Attendance

	Retreat	Aug	Sep (no mtg)	Oct	Nov	Dec
Barnes	x	x		x	x	x
Bowden		x		x	x	x
Howe	x	x		x	x	x
Huber	x	x		x	x	
Johnson	x	x		x	x	x
Kypreos	x	x		phone	x	x
Mason	x	x		x	x	x
McElroy	x	x		x	x	x
Pressly	x	x		x	x	x
Rabin	x	x		x	x	x
Reagan	x	x		x	x	x
Weiss	x	x		x	x	x
Whittles	x	x		x	x	x



Temporary Injunctions In Probate

By: David M. Garten

Sec. 733.607, Fla. Stat. reads in relevant part:

Except as otherwise provided by a

decedent's will, every personal representative has a right to, and shall take possession or control of, the decedent's property, except the protected homestead... The personal representative shall take all steps reasonably necessary for the management, protection, and preservation of the estate until distribution and may maintain an action to recover possession of property or to determine the title to it.

The probate court has inherent jurisdiction to monitor the administration of an estate and to take such appropriate action as it may deem necessary to preserve the assets of the estate for the benefit of the ultimate beneficiaries. *See, In Re: Estate of Barsanti*, 773 So. 2d 1206 (Fla. 3rd DCA 2000); *Markowitz v. Merson*, 869 So. 2d 728 (Fla. 4th DCA 2004) quoting, *Estate of Conger v. Conger*, 414 So. 2d 230, 233 (Fla. 3d DCA 1982).

A probate court has the authority to issue temporary injunctions freezing assets claimed to belong to a decedent's estate, even though ultimate ownership of those assets may be in dispute. *See, Markowitz v. Merson* (the function of the temporary injunction was not to determine the ownership of the stock but to preserve the asset pending the outcome of that determination, consistent with the duty of the personal representative to marshal and preserve the assets of the estate for distribution).

A temporary injunction is properly granted where: (1) immediate and irreparable harm will otherwise result, (2) the moving party has a clear legal right thereto, (3) the movant has no adequate remedy at law, and (4) where the public interest will not be disserved. *See, Fla. R. Civ. P. 1.610; Burtoff v. Tauber*, 85 So. 3d 1182 (Fla. 4th DCA 2012); *Net First Nat'l Bank v. First Telebank Corp.*, 834 So. 2d

944 (Fla. 4th DCA 2003); *In Re: Estate of Barsanti, supra*. Clear, definite, and unequivocally sufficient factual findings must support each of the four criteria before the court may enter the injunction. *See, Net First Nat'l Bank v. First Telebank Corp.*, 834 So. 2d 944 (Fla. 4th DCA 2003) quoting, *Aerospace Welding, Inc. v. Southstream Exhaust & Welding, Inc.*, 824 So. 2d 226 (Fla. 4th DCA 2002).

IRREPARABLE HARM:

Irreparable harm for the purposes of an injunction is not established where the harm can be compensated for adequately by money damages. "Even where the party seeking injunctive relief alleges that the opposing party may dissipate bank assets, a judgment for money damages is adequate and injunctive relief is improper, notwithstanding the possibility that a money judgment will be uncollectible." *Weinstein v. Aisenberg*, 758 So. 2d 705 (Fla. 4th DCA 2000).

BOND: Additionally, pursuant to Fla. R. Civ. P. 1.610(b), no temporary injunction shall be entered unless a bond is given by the movant in an amount the court deems proper, conditioned for the payment of costs and damages sustained by the adverse party if the adverse party is wrongfully enjoined. However, no bond shall be required for issuance of a temporary injunction issued solely to prevent physical injury or abuse of a natural person. *But See, Guardianship of Brown*, 611 So. 2d 1342 (Fla. 4th DCA 1993) (no bond was required because the assets in question are indisputably owned by the ward and the only issue is whether those assets are subject to the provisions of one or more trust agreements).

NO NOTICE: A probate court has the inherent power to enter a temporary injunction *without notice*. In addition to the four requirements enumerated above, an injunction without notice may only be issued where: (1) immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; (2) the movant's attorney certifies in writing any efforts that have been made to give notice; and (3) the reasons why notice should not be required are stated. Fla. R.

Civ. P. 1.610(a)(1). To justify issuance of a restraining order without notice, a motion seeking ex-parte relief must demonstrate (1) how and why the giving of notice would accelerate or precipitate the injury or (2) that the time required to notice a hearing would actually permit the threatened irreparable injury to occur. *See, City of Boca Raton v. Boca Raton Airport Auth.*, 768 So. 2d 1191 (Fla. 4th DCA 2000); *Lieberman v. Marshall*, 236 So. 2d 120 (Fla. 1970). Courts have upheld ex parte temporary injunctions where notice of a hearing will: (a) prompt a defendant to destroy records, (b) cause unsecured assets to be liquidated in the context of a fraudulent enterprise, (c) precipitate the disposal of the major asset of a partnership subject to an accounting, or (d) permit a husband in a dissolution action to transfer over \$8,000,000 from a joint, marital account while forging the signature of the wife. *See, City of Boca Raton v. Boca Raton Airport Auth.*, 768 So. 2d 1191 (Fla. 4th DCA 2000). Whether the injunction was entered with notice or without notice will influence who has the burden at the motion to dissolve the injunction. *See, Department of Community Affairs v. Holmes Cty*, 668 So. 2d 1096 (Fla. 1st DCA 1996); *City of Ormond Beach v. City of Daytona Beach*, 794 So. 2d 660 (Fla. 5th DCA 2001).



Do You Need a Mentor?

The Palm Beach County Bar Association's Mentor Program is designed to provide members with a quick and simple way to obtain advice, ideas, suggestions or general information from attorney that is more experienced in a particular area of law. The mentors provide a 10-15 minute telephone consultation with a fellow attorney at no fee. Any member of the Palm Beach County Bar, whether newly admitted or an experienced practitioner can use the program. Call the Bar office at (561) 687-2800 for more information.



African American History is Palm Beach County History

*Submitted by Sia Baker-Barnes and Sarah Shullman,
Committee for Diversity & Inclusion Co-Chairs*



The actor Morgan Freeman once said, "I don't want a black history month. Black history is American history." Freeman makes an important point, but African American History Month provides each of us with a critical opportunity to recognize and honor the courageous pioneers who paved the way for African Americans to live, work and vote in a free and integrated American society.

In Palm Beach County, four African American pioneers in particular made a significant impact on our schools, courts and legal justice system.



In 1954, **William Meredith Holland (1922-2002)** became the first African American attorney in the history of West Palm Beach to try a case in Municipal Court. Holland, who served in the Army during World War II, graduated from Boston University College of Law after being denied admission to the University of Florida on account of his race. In 1954, Holland and **Isiah C. "I.C." Smith (1922-2012)** formed the first African American law firm in Palm Beach County. Their partnership lasted for 32 years until 1986, when Smith was appointed as a County Court Judge by Governor Bob Graham. In the early 1970's, Smith served as the first African American prosecutor for the City of Delray Beach.



In 1956, Holland and Smith filed the seminal case of *William M. Holland v. the Board of Public Instruction of Palm Beach County* in federal court, when Holland's first-grade son was denied admission to Northboro Elementary School in West Palm Beach. Their colleague, **F. Malcolm Cunningham, Sr. (1927-1978)** joined the team's steadfast fight to end segregation. After a series of legal battles spanning two decades, in 1973, the Palm Beach County public school system was officially declared unitary.



Cunningham was the first African American to serve as city attorney for Riviera Beach. In 1962, he was elected to the City Council of Riviera Beach, becoming the first African American in Florida to be voted into public office since Reconstruction.

He rose to the position of chairman and



in 1968 returned to his law practice with his brother and law partner, **Thomas James "T.J." Cunningham (1930- present)**.

In 1973, Malcolm and T.J. Cunningham co-founded First Prudential Bank, the first minority-owned commercial bank in Florida, which later became Southcoast Bank Corp.

With tireless perseverance, our civil rights champions persuaded the Palm Beach County Commission to allow taxicabs to transport African Americans from the Palm Beach International Airport, and in 1966 they successfully challenged deed restrictions in property owned by the City of West Palm Beach that denied African Americans the right to be buried at Woodlawn Cemetery. Despite being subjected to harassment, threats and physical violence, these men fought for and succeeded in integrating the West Palm Beach Municipal Golf Course, local parks and playgrounds, swimming pools, libraries, rest stops on Florida's Turnpike and other public places.

We can never forget the historic efforts of these heroic men who dedicated their lives to integration and justice for persons of all races. It is because of them and other civil rights advocates that now, in 2013, we can say that African American history is American history.

*Sia Baker-Barnes and Sarah L. Shullman are the co-chairs of the Committee for Diversity and Inclusion. Sia is an attorney at Searcy Denney Scarola Barnhart & Shipley, specializing in Plaintiff's personal injury, medical negligence, wrongful death and product liability cases. Sarah is a business litigation and consumer law attorney with the Law Offices of Sarah Shullman, P.A. in Wellington, FL, representing businesses and consumers in commercial and real estate litigation, contract disputes, consumer law and consumer finance litigation. **Special thanks to Renelda Mack, Assistant State Attorney, for supplying the historical information for this article.***



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Sojka, Cindy
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Sorgini & Sorgini, P.A.
South Palm Beach County
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Stewart, Todd
Stuart Manoff & Associates
Stubbs, Sidney
Suskauer, Michelle
U.S. Legal Support
Walsh, Michael P.
Weiss, Jill
Weissman, Joel & Alexandra
Wenner, Richard I.
Whittles, John
Wroble, Art & Mary Ellen
Zeile Huber



The Bar Association has moved to its first permanent home located on Belvedere Road in West Palm Beach. The building is a state-of-the-art facility for our legal community to enjoy for many years to come. You can be a part of history by naming a room or buying a brick.

We sincerely thank the following firms and members who have contributed as of 11/25/11:

Searcy Denney Scarola Barnhart & Shipley Classroom
Richman Greer, P.A. Executive Director's Office
Schuler, Halvorson, Weisser & Zoeller, P.A. Small Conference Room
Holland & Knight LLP Member Services Office
North County Section & Young Lawyers Section Communication
Director's Ofc
Lesser, Lesser, Landy & Smith Front Bench
Lytal Reiter Smith Ivey & Fronrath Reception Area
Jones, Foster, Johnston & Stubbs LRS Office
Gunster Landscape
Fisher & Bendeck Landscape
Wyland & Tadros Workroom
H. Irwin Levy Visiting Attorney's Office
In Memory of Bob & Sandy Rogers Lounge
Brian Scher & Debbie Meltzer Women's Lounge
Greenberg Traurig Admin. Asst. Workstation
Additional rooms are still available!

"Presidential" Speaker

Continued from page 1

Many of the practice area sessions have revamped their formats and agendas to create an innovative and interactive experience for the Bench and the Bar, both for those who have attended in the past and for newcomers. "Our main focus was to make this Bench Bar Conference fresh and inventive, to try things that had not been done before in Palm Beach County," said Joanne O'Connor, co-chair of the Conference. "The task was also to incorporate Professionalism and Civility into the sessions, in light of the joint resolution by South Florida voluntary bar associations to promote lawyer civility and a more uniform standard of professional courtesy across South Florida," commented Dean Xenick, co-chair of the conference. Therefore, another highlight of the luncheon will include administration of the Florida Supreme Court's Amended Oath of Attorney Admission by Chief Judge Peter Blanc that includes the new oath of lawyer civility.

The Professionalism Award and Judge Edward Rodgers Diversity Award will also be given at the luncheon. In addition, retiring judges will be honored for their dedication and service to Palm Beach County.

The federal and staff sessions are back this year, as are entirely new sessions relating to E-Service, E-filing, and technology. Format changes to more familiar sections include mock trials, mock hearings, "speed dating," and how to make your family law practice a "10." Chief Judge Melanie May will update appellate practitioners on the state of the Fourth District. The Bench Bar Committee has been working diligently over the past several months, and will continue to do so in the months leading up to the conference, to make the Conference the best yet. "We are looking forward to seeing these changes implemented, so that we can reach a new level of stimulating and productive communication and

dialogue between judges and lawyers, which is the main goal of the Bench Bar Conference," said Xenick.

Sessions available for registration include sessions for the staff covering substantive areas of law as well as ethics; attorney sessions including Federal; Developing Your Reputation; Probate/Estate; Appellate; Commercial; Criminal; Family; County Civil; Personal Injury and Juvenile. We will also be hosting a session in the afternoon for diversity students.

The 2013 Bench Bar Conference, an all day event, will be held on March 1, 2013 at the Palm Beach County Convention Center. You can register online at www.palmbeachbar.org. Deadline to register is February 20 and as space is limited, registrations are reserved on a first come first serve basis.



The Palm Beach County Bar Association's Family Law CLE Committee Presents:

DISCOVERY THAT WINS CASES AND KEEPS YOUR CLIENT OUT OF JAIL - TOOLS TO MASTER, PITFALLS TO AVOID

Friday, April 19, 2013 - 8:45 a.m. – 5:00 p.m.

Embassy Suites Hotel, 1601 Belvedere Road, WPB, FL 33406

Program Schedule

- 8:45am - 9:05am **Late Registration and Check in**
- 9:05am - 9:15am **Welcome and Opening Remarks** - *Georgia T. Newman, Esq. Law Office of Georgia T. Newman, P.L., Committee Chair*
- 9:15am - 10:15am **Skills for Efficiently and Effectively Deposing an Opposing Expert and Defending Your Own Expert from Attack** - *Michael P. Walsh, Esq., Michael P. Walsh, P.A., and David W. Ellrich, Jr., CPA, Moore, Ellrich & Neal, P.A.*
- 10:15am - 10:30am **BREAK**
- 10:30am - 11:30am **Privileges - Keep them. Waive them. Litigate them.** - **Joel M. Weissman, Esq., Joel M. Weissman, P.A.*
- 11:30am - 12:15pm **Ethics in Discovery - Getting What You Need and Doing it Professionally** - *Chief Judge Peter D. Blanc, Fifteenth Judicial Circuit*
- 12:15pm - 1:00pm **LUNCH**
- 1:00pm - 2:00pm **Electronic Discovery: Getting it, Getting it in, and Hazards to Avoid** - **Stuart R. Manoff, Esq., Stuart R. Manoff & Associates, P.A.*
- 2:00pm - 2:50pm **You Got Him to Say What?!** - **Mastering Deposition Skills** - **Peter L. Gladstone, Esq., Gladstone & Weissman, P.A..*
- 2:50pm - 3:05pm **BREAK**
- 3:05pm - 4:00pm **Out of the Mouths of Babes—Discovery Issues in Child Related Actions** - **Elisha D. Roy, Esq., Sasser, Cestero & Sasser, P.A., Chair-Elect Family Law Section of the Florida Bar*
- 4:00pm - 5:00pm **Judicial Panel: Discovery Do's and Don'ts—A View From the Bench** - *TBA*
- 5:00pm - 6:00pm **Happy Hour**

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This course is expected to receive **8.0 CLER incl. 1.0 Ethics / Marital & Family Law Certification credits** are pending from the Florida Bar.

Early Registration cost is **\$180** for Attorneys **0-5 years** experience; **\$215** for PBCBA members/paralegals **w/5+ yrs** experience; **\$255** for non-PBCBA members/paralegals **w/5+ yrs** experience. **After 4/12/13** add **\$25** to registration fee.

All refund requests must be made no later than 48 hours prior to the date of the seminar.

____ Please check here if you have a disability that may require special attention or services. To ensure availability of appropriate accommodations, attach a general description of your needs. We will contact you for further coordination.

Credit card registration payment not accepted by Fax to comply with PCI regulations.

HOW TO REGISTER



BY CHECK
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BY CREDIT CARD
For security purposes, you must register online at www.palmbeachbar.org



Materials will now be emailed to all registrants prior to the seminar

Name: _____ Telephone #: _____

Address: _____ Email Address: _____

____ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (4/19/13 Family Law) Cost is the same as listed above, in addition to \$10 for shipping and handling. **PAYMENT BY CHECK ONLY WITH THIS FORM.**

Palm Beach County Bar Association, 1507 Belvedere Rd., West Palm Beach, FL 33406

Rules of Civil Procedure Corner

Ode to the Rules of Civil Procedure

By Matt Triggs and Jonathan Galler

In honor of Valentine's Day, we present this Ode to the Rules of Civil Procedure.

It is well-known that the rules
Are the most basic of tools
For prosecuting a claim or defense.
Without rules for pleadings,
We'd have no proceedings
Or at least none that make any sense.

Sure, the rules are a bore.
They are often a chore.
But they serve a critical function.
They govern motions and petitions,
And final dispositions,
And the occasional temporary injunction.

The rules tell us when to file,
And how to consolidate for trial.
They go on and on about mediation.
They bring composure and decorum
To disclosure and choice of forum,
And speak plenty of complex litigation.

Yes, the rules are our friend
From beginning to end,
But there's something we probably should
mention.
It is easy to forget
That the rules have more than just one set
So you must pay sufficient attention.

Like the rules for federal and state --
They don't always equate.
It's not even worth asking why.
For example, in federal court
(Whether in contract or in tort)
Affirmative defenses get no Reply.



Now, we don't mean to tell you
To get emotional about venue;
We understand if you don't feel the
attraction.

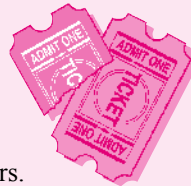
It's tough to get sentimental
About pleadings supplemental
Or even a third party action.

Love them or hate them,
Feel free to debate them.
Or decide which rule you like best.
But without them, you see
You might as well be
Practicing law in the wild west.

And if you are sure to embrace
The rules in every case,
We'll dare to make just one prediction.
You'll be at the top of your game,
And you'll earn a good name
When litigating in this jurisdiction.

*Matt Triggs is the head of the
litigation department of Proskauer
Rose LLP in Boca Raton. Matt
disavows any responsibility for this
(or any other) Ode. Jonathan Galler
is a senior associate in the department
and is prepared to take full blame.
Both concentrate their practices in
commercial and probate litigation.*

Movie tickets make great gifts for teachers, clients and staff!



The PBCBA has discount movie tickets available for its members.
Remember, these tickets make great gifts for family, babysitters, staff, clients or end
of the year gifts for teachers. Savings are available for the following theaters:

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Social Media Policy: You're Probably Doing It Wrong

By Christopher B. Hopkins

Your law firm's and clients' social media policies are likely unlawful. The National Labor Relations Board (NLRB) has issued opinions striking down employer internet policies so frequently that it has turned to issuing Cliff Notes-like "guidance memoranda" three times in less than two years in order to concisely explain the law. But the violations continue: from large corporations down to, yes, even law firms. Policies which ban employees' use of social media are frequently found to be unlawful but so are more gentle "be respectful" guidelines. Overbroad policies may arise from an overprotective corporate lawyer – hoping to "contract away" liability and risks – or if the job was handed to a lawyer deemed an expert on social media simply because she has a Facebook account. This is an area of the law which requires a fundamental understanding and a willingness to keep up with the newest cases. Pull a copy of your firm's or your clients' policies and compare them to the provisions below.

Generally speaking, an employer violates section 8 of the National Labor Relations Act (NLRA) if it has a workplace policy which would "reasonably tend to chill employees in the exercise of their section 7 rights." Lafayette Park Hotel, 203 F.3d 52 (D.C. Cir. 1999). Section 7 rights include organizing and communicating about work conditions, pay, and labor policies. The NLRB uses a two step inquiry to determine if an employer's policy violates the NLRA: (1) the policy explicitly limits section 7 activities or (2) there is a showing that (a) employees would reasonably construe the policy to limit section 7 activities; (b) the policy was implemented in reaction to union activity; or (c) the policy had been applied in an unlawful way. Lutheran Heritage Village-Livonia, 343 NLRB 646, 647 (2004). It is critical to understand that employee behavior which can be viewed as "concerted activity" (when an employee acts with or on behalf of other employees and not solely by and on behalf of the employee himself) is protected and cannot be inhibited or prohibited.

Here are some recent employer social media policies which, according to the guidance memoranda, the NLRB recently held to be in violation of the NLRA:

- **No posting of pictures or images of the company, its logo, or vehicles:** this type of restrictive policy is unlawful since, while an employer may have intellectual property rights, non-commercial use (e.g., wearing company logos on picket-line shirts) is protected and this rule might encompass such protected activity.
- **No "inappropriate discussions":** in the absence of non-protected examples of prohibited discussions, this rule violates the NLRA because it uses broad terms which commonly apply to protected criticism of an employer's labor policies, treatment of works, or terms and conditions of employment.
- **No social media posting which might violate, compromise, or disregard rights and reasonable expectation of privacy of any person:** This rule was overbroad because it provided no guidance or definition as to what the employer deemed to be

private/confidential. The absence of such a definition (and how it was applied in a specific case) made it unlawful.

- **No posts which would embarrass, harass, or defame an employee, officer, or director:** This rule was overbroad as it would include terms that would commonly apply to protected criticism of the employer's labor policy or treatment of employees. The policy failed to define the terms or limit them in any way that would exclude section 7 activity.
- **No revealing personal information of employees, clients, partners, or customers:** This restriction on revealing personal information was unduly broad and could reasonably be construed as restraining section 7 activity. For example, employees have a right to discuss wages and other terms and conditions of employment; a rule which prohibits sharing personal or other employee information violates section 8. This type of rule would need a clear context and/or limitations and definitions.
- **No making disparaging comments about the company:** This rule was unlawful because it would reasonably be construed to restrict section 7 activity, such as statements that the employer is not treating employees fairly or paying them sufficiently.
- **No posts which are unprofessional, could negatively impact the employer's reputation, or interfere with employer's mission:** Absent some limitations and examples (e.g., no display of obscene material or revealing of trade secrets), this rule would chill protected communications and activity.
- **No publication of any representation about the company without prior approval by management:** An employer's rule which prohibits employee communication to the media or requests prior authorization is unlawfully overbroad; this rule goes further in that it prohibits all such public statements regarding the company and would reasonably include protected section 7 communications.
- **Inclusion of a "savings clause" that nothing in the policy is intended to inhibit protected activity:** Good effort but not enough; a savings clause is insufficient to cure the ambiguities in the rule and remove the chill upon protected activity. According to the NLRB, an employee would not reasonably be expected to know that the savings clause encompassed discussions which the employer had forbidden in other sections.

Does this mean any social media policy will violate the NLRA? No, the NLRB is looking for employers to craft policies which plainly exclude protected activity. Employers can use examples which show that the general rule is not intended to prohibit section 7 activity. Employers can also avoid liability if the employee's conduct at issue actually interfered with any employee's work or otherwise actually interfered with operations (and that was the reason for disciplining the employee). Other defenses – such as establishing that the employee was not engaging in section 7 activity – also exist. The critical starting place, however, is a solid social media policy written by knowledgeable counsel.

Christopher B. Hopkins is a shareholder with Akerman Senterfitt (West Palm Beach). Direct your protected communication or mere opprobrium to christopher.hopkins@akerman.com.



*Submitted by
Courtney G. Tito on
behalf of the Judicial
Relations Committee*

On November 28, 2012, the Palm Beach County Bar Association hosted its monthly judicial lunch and covered the topic “Voir Dire.” The judicial panel was Honorable Joseph G. Marx, Honorable Lucy Chernow Brown and Honorable Glenn Kelley. The lunch was moderated by Edward Ricci of Searcy Denney Scarola Barnhart & Shipley, P.A. The cafeteria at the courthouse was packed and the agenda provided for a lively discussion with plenty of tips and pet peeves from the judges. Chief Judge Blanc also attended and provided some pointers. A sampling of those tips and pet peeves are included below:

Empaneling the Venire:

- Give the judge and the court at least three weeks notice to sequester a larger panel than the 16 currently provided per the administrative order.
- There is usually no problem getting 32 jurors just by asking.
- It is very helpful to start a jury trial on a day other than Monday, because it is harder to get numbers on a Monday due to the demand. Fridays are a good day because there is very little demand.

Procedure for Screening the Panel:

- The judges will typically ask the jurors those questions regarding prior experience, work, spouses.

- Attorneys are then allowed to ask follow-up questions.
- For larger jury pools, the judges will not spend the time asking those background questions of each juror and will use a questionnaire instead with general questions and parties.
- The biggest mistake that attorneys make is not letting the juror talk and not listening to them or watching them.
- It was recommended that attorneys bring a non-lawyer to voir dire just to watch the jurors and their non-verbal clues.
- Make eye-contact with the jurors and watch for positive and negative non-verbal feedback.

Pet Peeves

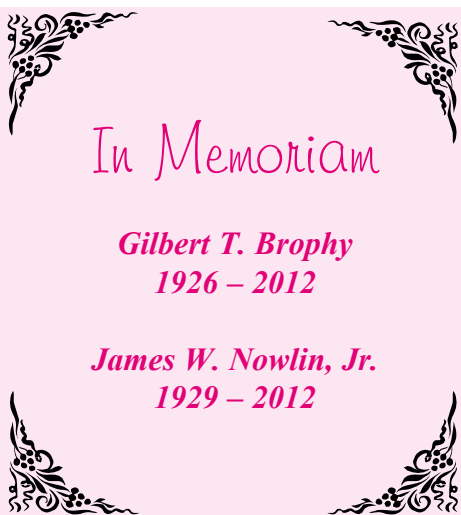
- Don’t ask the same questions the judges just asked.
- Be brief! Tailor your questions to the specific charge.
- Don’t waste time rehabilitating jurors if they are beyond repair – you will just make the other jurors mad and you will come off as a bully.
- Voir dire is not a time to tell stories; it is a time to ask well thought-out, concise and pointed questions.
- Understand what you are trying to do; which is finding jurors where there is a reasonable doubt they will do their job.
- Know the standard for a “for cause” challenge: generalized opinions are not grounds unless the juror cannot set those matters aside.
- Lawyers don’t ask about how that opinion influences a juror’s ability to evaluate the facts – this is the most important question and without this there is no basis for a “for cause” dismissal.

- Adding “no matter what the evidence” to a question can set up a “for cause” challenge.
- Don’t spend too much time on the background speech, story telling and not asking questions.
- Don’t mispronounce juror’s names.

Responses to Questions from the Audience:

- It is ok to address the panel before asking questions but don’t talk to long and don’t repeat what the judge said.
- Don’t use the words “fair & impartial,” instead engage the juror in a dialogue so you avoid a yes/no answer. Craft questions regarding the opinion’s influence on the juror’s thinking. Write out questions in advance to address this issue.
- It is an art, not a science, to connect opinion with a juror’s ability to be “fair & impartial” without using those words and you need to look at the totality of the circumstances.
- When questioned about permitting case-specific questions, the judges stated that attorneys are walking a fine line but it is a question by question determination by the judge. The obvious rule is you can’t pre-try the case. You cannot ask about how they will react to evidence in the case. Plan out your questions so you can use the right methodology to get information to which you are entitled.

Remember: the art of jury selection is de-selecting the jurors you don’t want.



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We are very pleased to bring you another way to obtain your CLE credit. In addition to the CD’s that we currently sell, these same programs are now being offered for purchase online to either download to your MP3 player or to listen to right on your computer. That means when your CLER reporting period is approaching, you can go right online and download seminars any time of the day or night. To view a full listing of the seminars available, be sure to log on to our website at www.palmbeachbar.org/continuing.php

Real Property and Business Litigation Report



By **Manuel Farach**

Walker v. Fifth Third Mortg. Co., – So.3d –, 2012 WL 5457220 (Fla. 5th DCA 2012).

Service of process statutes are strictly construed, and returns of service which fail to comply with statute (i.e., no date and time of service, no identification number of process server) are defective.

Telesur v. DOT (SR), Inc., – So.3d –, 2012 WL 5499994 (Fla. 2d DCA 2012).

Plaintiff failed to properly allege jurisdiction against internet corporation where complaint did not allege that registrars were contacted in Florida, interference with business relationships occurred in Florida, domain names were being sold worldwide and not just in Florida, no server was located in Florida, and there was no allegation that tortious conduct arose from communications into Florida.

Everhome Mortg. Co. v. Janssen, – So.3d –, 2012 WL 5500336 (Fla. 2d DCA 2012).

A foreclosure judgment entered into without the mortgagee possessing the note at time suit is filed is voidable, not void.

In re New River Dry Dock, Inc., Slip Copy, 2012 WL 5675911 (11th Cir. 2012).

A professional hired by a debtor and approved by the bankruptcy court will be required to disgorge his professional fees if he failed to disclose interests adverse to the estate when retained, notwithstanding the confirmed Chapter 11 plan contains releases for professionals and notwithstanding the adverse interests did not harm the debtor.

Sedra Family Ltd. Partnership v. 4750, LLC, – So.3d –, 2012 WL 5869932 (Fla. 4th DCA 2012).

Tenants have no right to an equity of redemption, and may redeem a foreclosure judgment only through and under the mortgagor's right of redemption.

Steinger, Iscoe & Greene, P.A. v. GEICO General Ins. Co., – So.3d –, 2012 WL 5870041 (Fla. 4th DCA 2012).

"Hybrid" expert witnesses, i.e., those experts that can render both fact and expert testimony, are protected to the same extent as "pure" expert witnesses from overly intrusive "bias discovery" under Florida Rule of Civil Procedure Rule 1.280(b) (5)(A)(iii). Bias discovery directed to a law firm, as opposed to a party or witness, is subject to a lower threshold of protection.

Surgical Partners, LLC v. Choi, – So.3d –, 2012 WL 5870043 (Fla. 4th DCA 2012).

No prevailing party attorneys' fees can be awarded under a contract that never came into existence due to a party's failure to meet a condition precedent.

Daby v. Palm Beach Sheriff's Dept., – So.3d –, 2012 WL 5870080 (Fla. 4th DCA 2012).

Although there is no "magical number of amendments" a party is permitted, it is generally not an abuse of discretion to dismiss a complaint after three attempts at proper pleading.

Wolfe v. Culpepper Constructors, Inc., – So.3d –, 2012 WL 5935633 (Fla. 2d DCA 2012).

A joint offer made by two defendants to a single offeree is enforceable.

Cemex Const. Materials v. Ross, – So.3d –, 2012 WL 6061081 (Fla. 5th DCA 2012).

Absent a stipulation and upon a contemporaneous objection, unsworn representations by counsel cannot serve as the basis for a trial court's factual findings.

Delmonico v. Crespo, – So.3d –, 2012 WL 6027800 (Fla. 4th DCA 2012).

Costs of consulting and jury selection experts are not taxable as court costs.

Arkansas Game and Fish Com'n v. U.S., – U.S. –, 133 S.Ct. 511 (2012).

Flooding of property, even if caused by government and even if temporary in nature, still constitutes a taking.

Bischoff v. Walker, – So.3d –, 2012 WL 6213271 (Fla. 5th DCA 2012).

In determining real estate boundaries, a "monument" under Fla. Stat. § 472.005 (11) includes non-navigable waters. Accordingly, the following legal description indicates a grant to the centerline of the non-navigable waterway:

That part of the Northeast 1/4 of the Southeast 1/4 of Section 8, Township 22 South, Range 32 East, Orange County, Florida lying East of Canal and North of Lake, LESS the East 100 feet and LESS the North 30 feet thereof for road right-of-way.

Spring Lake NC, LLC v. Figueroa, – So.3d –, 2012 WL 6216764 (Fla. 2d DCA 2012).

An arbitration agreement that uses the phrase "nationally recognized arbitration association" is enforceable as the phrase is unambiguous. Moreover, the Florida Arbitration Code, under Fla. Stat. § 682.04, provides a method for appointing a substitute arbitrator if the method chosen fails for any reason.

Anarkali Boutique, Inc. v. Ortiz, – So.3d –, 2012 WL 6163181 (Fla. 4th DCA 2012).

An employee's change in status from "employee" to "independent contractor" is not a termination of employment that triggers the running of a two-year restrictive covenant in an employment agreement.

In re Witcher, – F.3d –, 2012 WL 6200619 (11th Cir. 2012).

A bankruptcy court may examine the debtor's ability to pay his or her debts in making the determination whether the debtor has engaged in abuse of bankruptcy under 11 U.S.C. § 707 (b) (3) (B).

Weekly e-mailed versions of the Update can be obtained by emailing mfarach@richmangreer.com and writing "Request Case Law Update" in the Subject line.

Welcome New Members!

The following represents each new member's name, hometown, law school, and date of admission to the Florida Bar and law firm association.

George Bakalar: University of Florida, 1998; Kogan-Disalvo, P.A., Boynton Beach.

Alex Braunstein: NY; University of Florida, 2012; Palm Beach County Office of the State Attorney.

Lynda Brennan: NY; University of Florida, 2001; Sole Practitioner, Boca Raton.

April Bristow: San Diego, CA; Stetson University, 2009; Fourth District Court of Appeal, West Palm Beach.

Joielle Foglietta: Ft. Lauderdale; Nova Southeastern University, 2011; Associate in Casey Ciklin Lubitz Martens & O'Connell, West Palm Beach.

Vincent Griffith: Broomall, PA; Nova Southeastern University, 2012; West Palm Beach.

Brittney Gutin: Miami; Florida International University, 2010; Palm Beach Gardens.

Sherry C. Ingram: Florida Registered Paralegal Membership, Palm Beach County Attorney, West Palm Beach.

Robert Russell Kane, III: Ft. Lauderdale; University of Florida, 2006, Associate in Wicker Smith O'Hara McCoy & Ford, P.A., West Palm Beach.

Gena Marie Koutsouris: Edison, NJ; New York Law School, 2001; Wellington.

Justin Lefko: Huntington, NY; St. Thomas University, 2012; Associate in Richard Monescalchi, P.A., Wellington.

Lindsay Drew Lefkowitz: Brooklyn; Nova Southeastern University, 2011; Associate in Steinger Iscoe & Greene, P.A., West Palm Beach.

Amy Shayne Levenberg: Hollywood; University of Florida, 2012; Associate Gunster, West Palm Beach.

Peter Magnani: Palm Beach County Office of the State Attorney.

Christopher Eli Patton Marshall: Brandon, FL; Nova Southeastern University, 2010; Associate in Ellis Ged & Bodden, P.A., Boca Raton.

Ryan D. Poliakoff: Miami; Cornell Law School, 1997; Associate in Sachs Sax Caplan, PL, Boca.

Jonathan Sang: Jacksonville; West Palm Beach.

Geoffrey Schosheim: Boynton Beach; University of Miami, 2012; Associate in Romano Law Group, West Palm Beach.

Jessica Shaw: Boston; Albany Law School, 2007; Associated with IHS Dialysis, Inc., Boca Raton.

Brooke A. Smith: West Palm Beach; Nova Southeastern University, 2012; Associate in DeSantis, Gaskill, Smith & Shenkman, P.A., West Palm Beach.

Danielle Steinberg: Miami; George Washington University, 2012; Palm Beach County Office of the State Attorney.

James Werter: New York City; University of Bridgeport, 1990; Sole Practitioner, Jacksonville.

Eleftheria Zachariades: NJ; University of Florida, 2003; Associate in Sachs Sax Caplan, Boca Raton.

WELCOME

Rewarding Volunteer Opportunity: Done in One Hour

Looking for a rewarding volunteer opportunity that won't take long? Please join with members of our Lawyers for Literacy Committee and help grade essays from adults learning English. These people are so thankful for the opportunities presented in America - their stories will inspire you!

For your convenience, we will be grading essays on Thursday, February 7 from 8:45 am to 9:45 am and then again from Noon to 1:00 pm. Light snacks and drinks will be provided.

If you're able to volunteer, please let us know by calling Lynne at the Bar Office at 687-2800 or lpoirier@palmbeachbar.org

Thank you!

Mark Greenberg

Lawyers for Literacy Committee Chair

Hundreds of books to be donated

Members of our Lawyers for Literacy Committee collected hundreds of books during its annual holiday book drive. Books will be distributed to a number of local programs throughout our area.



Sheryl Wood (far left), pictured with "Power Book Collectors" from the Office of General Counsel of the Palm Beach County School Board, donated 545 new and nearly new books!



“Bad Faith” Dismissals of Non-Consumer Debtors

By Jason Rigoli

In 1984, Congress amended the Bankruptcy Code to add section 707(b) to curb abusive, or “bad faith,” filings by consumer debtors. See, Pub.L. 99-554, Title II, § 219. In 2005, section 707(b) was amended to add a “means test” used to determine whether there was a presumption of abuse in consumer debtor chapter 7 bankruptcy cases. 11 U.S.C. § 707(b).

Notwithstanding the provisions of section 707(b), recent case law has addressed the issue of whether “bad faith” constitutes “cause” for dismissal under Section 707(a), with respect to non-consumer debtors. Section 707(a) states:

(a) The court may dismiss a case under this chapter only after notice and a hearing and only for cause, including--

(1) unreasonable delay by the debtor that is prejudicial to creditors;

(2) nonpayment of any fees or charges required under chapter 123 of title 28; and

(3) failure of the debtor in a voluntary case to file, within fifteen days or such additional time as the court may allow after the filing of the petition commencing such case, the information required by paragraph (1) of section 521(a), but only on a motion by the United States trustee. 11 U.S.C. § 707(a)

Circuit Courts are split on whether “bad faith” constitutes cause for dismissal or conversion of a non-consumer Chapter 7 bankruptcy. See, *In re Adolph*, 441 B.R. 909 (Bankr. N.D. Ill. 2011) (holding § 707(a) does not allow dismissal for bad faith; the courts are divided on the issue, with the Third Circuit in *Perlin* and *Tamecki* and the Sixth Circuit in *Zick* holding bad faith can support a § 707(a) dismissal while the Eighth Circuit in *Huckfeldt* and Ninth Circuit in *Sherman* and *Padilla* disagree). The split arises out of the following competing statutory interpretation by the courts:

■ Does excluding “bad faith” from section 707(a) but explicitly including it in section 707(b)(3)(A), mean that “bad faith” was purposefully removed as cause by Congress? See, *Adolph*, 411 B.R. 909. See also, *In re Lobera*, 454 B.R. 824, 841-42 (Bankr. D.N.M. 2012) (“Congress defined “cause” by listing three examples of cause. This suggests that “cause” is a class of things or items that have some relationship to each other... The words Congress used in Section 707(a) are: 1) unreasonable delay, 2) nonpayment of required court fees, and 3) failure to file documents required by Section 521(a)(1). The most obvious common traits of these things is that they all are post-petition technical and procedural violations that prevent a prompt presentation of the chapter 7 liquidation case to the court. They also directly impact the court or the creditors in general.”)

■ Or, by using the word “including” after “for cause” mean that the actions listed in subsection (1)-(3) of Section 707(a) are non-exhaustive and, therefore, “bad faith” can constitute cause under 707(a). See, *In re Piazza*, 451 B.R. 608 (Bankr. S.D.Fla. 2011) *reh’g denied*, 460 B.R. 322, *aff’d* 469 B.R. 388 (S.D.Fla. 2012).

The Eleventh Circuit has yet to rule directly on the issue of whether “bad faith” constitutes “cause” under 707(a). But see, *In re Bilzerian*, 258 B.R. 850 (Bankr. M.D. Fla. 2001), order *aff’d*, 276 B.R. 285 (M.D. Fla. 2002), *aff’d*, 82 Fed. Appx. 213 (11th Cir. 2003) (while some conduct constituting “cause” for dismissing a Chapter 7 case can be characterized as bad faith, court’s inquiry in deciding whether to dismiss should be framed in terms of whether “cause” exists for dismissal, and not in terms of debtor’s good or bad faith). Many courts within Florida, and within the Eleventh Circuit have ruled on this issue and the majority have found that “bad faith” does constitute cause for dismissal or conversion of a non-consumer Chapter 7 bankruptcy case under Section 707(a). The most recent published opinion out of the Southern District of Florida held that a debtor’s bad faith in filing for Chapter 7

relief constitutes “cause” for the dismissal of a case. *Piazza* 451 B.R. at 613.

In *Piazza*, the individual non-consumer debtor filed for relief one day before a deadline to produce documents relevant to a state court final judgment. *Id.* at 610. The state court final judgment entered against the debtor arose out of a guarantee of business debt. *Id.* According to the debtor’s own schedules he was earning \$7,740.00 per month and his wife was earning \$7,709.00 per month. *Id.* Yet, even with the large judgment entered against the debtor, the debtor continued to contribute to his wife’s 401k and make her credit card payments. *Id.* at 610-11. Furthermore, the debtor’s Schedule F identified approximately \$318,000 of unsecured debt of which approximately \$161,000 was the state court judgment. *Id.* at 611. Additionally, the debtor omitted the \$13,000 debt owed (and reaffirmed) on a vehicle lease, as well as the \$48,411 of interest that had accrued on the state court judgment. *Id.* The court proceeded with a “totality of the circumstances” analysis, applying a 15-factor test to determine whether “bad faith” existed. *Id.* at 614-15. In looking at the totality of the circumstances in *Piazza*, the Bankruptcy Court determined more of the factors weighed in favor of a finding of “bad faith” on behalf of the debtor. *Id.* The Bankruptcy Court dismissed the debtor’s case for “cause” as a “bad faith” filing under Section 707(a) of the Bankruptcy Code. *Id.* The Bankruptcy Court’s decision was subsequently affirmed by the District Court. *Piazza v. Nueterra Healthcare Physical Therapy, LLC*, 469 B.R. 388 (S.D.Fla. 2012).

Accordingly, it is prudent for all Chapter 7 practitioners to understand the totality of the circumstances surrounding their client’s financial situation and all disclosure requirements. Further, practitioners must be aware that as the law currently stands, all debtors have an obligation of “good faith” imposed upon them when filing for relief under the Bankruptcy Code.

Jason S. Rigoli, *Furr and Cohen, P.A.*, One Boca Place, Suite 337 West, 2255 Glades Road, Boca Raton, FL 33431. jrigoli@furrcohen.com

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Our annual Holiday Party was well attended with more than 325 members who enjoyed the evening at Frenchman's Reserve Country Club in Palm Beach Gardens. The Young Lawyers and North County Section hosted their annual Silent Auction raising nearly \$16,000 for local charities!



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Wednesday, April 3, 2013

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Financial Discovery From Nonparty Physician

By Ted Babbitt

Elkins v. Syken, 672 So. 2d 517 (Fla. 1996) set out a procedure that strictly limited the kind of discovery that could be obtained from a physician in a personal injury case. That opinion was codified in Fla. R. Civ. P. 1.280. The Elkins case held that requiring

a physician who provided compulsory medical examinations to produce extensive discovery concerning their personal finances, including tax returns, amounted to harassing discovery that potentially would chill participation in the judicial process by those physicians. That case and the subsequent rule limited discovery to the scope of employment by the physician in the pending case, the physician's general litigation experience, a list of prior cases involving the physician for a reasonable time period and an approximation of the percent of the physician's practice that related to litigation. R. Civ. P. 1.280(b)(4)(A)(iii) (4) specifically prohibited requiring a physician to compile nonexistent documents.

Two cases involving the same physician decided six months apart by the Fourth District substantially changed the landscape of what discovery could be compelled of a treating physician. In Katzman v. Rediron Fabrication, Inc., 76 So. 3d 1060 (Fla. 4th DCA 2011), Dr. Katzman treated the plaintiffs as the result of referrals from their attorney. The facts showed that the two plaintiffs in the case were respectively charged \$45,000.00 and \$36,000.00 for the performance of discectomies, a procedure not approved by Medicare which found that there was a lack of evidence that that procedure was effective in improving health or reducing pain. The evidence presented was that the procedures took less than 45 minutes to perform. The Fourth District approved an order of the trial court which required Dr. Katzman to provide the amounts he collected from health insurance companies for the past four years for that type of surgery and to provide the identical information as to amounts Dr. Katzman obtained under letters of protection from attorneys.

In refusing to overturn the trial court's order overruling the doctor's objection to this request to produce, the Fourth District concluded at 1064, the following:

The situation presented in this case, which we have seen recurring, involved a physician who treats a patient who was involved in an auto accident and referred by a lawyer. The physician enters into a letter of protection (LOP) agreement and agrees to obtain payment from any recovery that is obtained in the lawsuit. In one respect, the physician is a "fact" witness, a treating physician.

In another respect, the same physician often provides expert opinions at trial regarding the permanency of injuries, prognosis, the need for future treatment, etc. The physician is not merely a witness retained to give an expert opinion about an issue at trial. Likewise this is not a typical treating physician that a patient independently sought out. A lawyer referred the patient to the physician in anticipation of litigation and

therefore the physician has injected himself into the litigation. This witness potentially has a stake in the outcome of the litigation not because of the LOP – because of the referral by the lawyer. The LOP merely gives the doctor the assurance that his/her bill will be paid directly from the proceeds of any settlement or verdict. It is the direct referral by the lawyer to the doctor that creates a circumstance that would allow the defendant to explore possible bias on the part of the doctor.

The second case decided by the Fourth District bearing on the same issue was Katzman v. Ranjana Corp., 90 So. 3d 873 (Fla. 4th DCA 2012). The trial court, faced with the very same physician and essentially the same request for production felt he was compelled by the opinion in Katzman v. Rediron to deny the doctor's objections and to compel discovery. The Fourth District reversed, sending the case back to the trial court for consideration of the revised opinion in Katzman v. Rediron and the difference in the factual underpinning of this case.

The Fourth District pointed out that there were substantial differences between the two cases. In Ranjana, unlike Rediron, the plaintiff was not referred to the doctor by his lawyer but rather by another physician. In addition, the procedures were substantially different, involving extensive time on the part of the physician for serious surgeries that the undisputed evidence showed were effective. The doctor presented evidence that to compile the information requested would take hundreds, if not thousands, of hours of his staff's time and would substantially disrupt his practice.

In Ranjana, the Court reconsidered its analysis in Rediron, conceding that the above cited rule of procedure expressly precludes a Court from requiring a witness to compile nonexistent documents as was requested. The evidence also showed that in Ranjana, unlike Rediron, the doctor had sold his account receivable to a third party prior to the motion for protective order and thus had no interest in the outcome of the case.

Given these substantial factual differences, the Fourth District concluded that the trial court had inappropriately relied on its original Rediron opinion and reversed and remanded the case for reconsideration.

Even though the Court concluded in Ranjana that the referral by the attorney was only one factor to be considered in allowing this discovery, it was obviously an important factor in both cases and sends a clear message to the plaintiff's bar that a direct referral to a physician by an attorney carries with it substantial risk of that becoming an important issue in the case. These cases make inroads on the nature and extent of discovery available from a physician treating a plaintiff in a personal injury case.

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The Professionalism Committee Creates a New Subcommittee Focusing on New Attorneys in Palm Beach County

Submitted by London Ott on behalf of the Professionalism Committee

The Professionalism Committee has recently created the "New Attorney Subcommittee." Chaired by Amy Borman, General Counsel for the Fifteenth Judicial Circuit, the subcommittee is designed to provide resources for attorneys who are either new to the Florida Bar or new to Palm Beach County. The idea for providing support and resources for new attorneys was a result of the tough job market which has forced new attorneys to hang up a shingle and begin practicing law without training and supervision from more senior attorneys. While the subcommittee cannot replace the training and development that is part of a larger law firm, it is trying to fill in some gaps to help new attorneys navigate the legal practice in Palm Beach County.

The subcommittee has already put together two events. In conjunction with the Fifteenth Judicial Circuit, the subcommittee hosted the Second Annual New Attorney Breakfast. Over 75 newly-admitted Palm Beach County attorneys attended the event, at which various Palm Beach County judges offered tips and advice for practicing in different divisions. Florida Supreme Court Justice Jorge Labarga attended the event, and emphasized the importance of professionalism. The attendees also had an opportunity to tour the Palm Beach County Courthouse and network with each other as well as with

members of the local voluntary bar associations.

The second event was the first of three free seminars for new attorneys. Amy Borman explained the local rules and administrative orders for the Fifteenth Judicial Circuit. The presentation covered everything from uniform motion calendar ("UMC") hearings (including a short video clip on how to sign in for a UMC hearing and what not to argue at a UMC hearing) to emergency motions and use of the court's website. The next seminar will be in early 2013 and will offer information on practicing with civility and professionalism. The subcommittee is also planning a seminar on drafting proposed orders and motions.

Additionally, the subcommittee is in the process of constructing a webpage on the Palm Beach County Bar Association's website where new attorneys can go to access information relating to the practice of law in Palm Beach County. The webpage will offer links to local rules, administrative orders, as well as the standards of professional conduct. If you are a new attorney and would like more information about the programs being offered, please contact Amy Borman at aborman@pbcgov.org.

**London Ott is a law clerk to Chief Judge Melanie G. May at the Fourth District Court of Appeal in West Palm Beach.*



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Saturday, March 23, 2013, 6-8 PM

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Ron can be reached at: 561-803-3519 or rponzoli@richmangreer.com



Fourth DCA Addresses Judicial Discretion in Temporary Relief Orders

By Christopher R. Bruce

In the recent case of *Hoff v. Hoff*, 37 Fla. L. Weekly D2337a, Case No. 4D12-574 (Fla. 4th DCA Oct. 3, 2012), the Fourth District Court of Appeal affirmed a temporary relief order by Judge Amy Smith that denied an unemployed wife's request for temporary attorney's fees while also awarding both parties "50/50 timesharing".

In *Hoff*, the parties had been married nearly three years before the wife filed her petition for dissolution of marriage. The parties were parents of a child who was three years old at the time of the proceedings and husband admitted the wife was the primary caretaker of the child. The wife was unemployed, while the husband listed monthly income of \$4,193 on his financial affidavit and testified he collected royalties of \$20,000-\$30,000/year from his photography business. The wife testified to having liquid assets of \$27,800. Husband disclosed having \$470,000 in assets and testified that \$22,000 of wife's assets were monies taken from the parties' safe deposit box and financial accounts.

After a temporary relief hearing, the trial court ultimately denied the wife's request for temporary attorney's fees, finding the wife did not have a need for fees based on her possession of \$22,000 in marital funds. The temporary relief order also awarded the parties temporary shared parental responsibility and "50/50 timesharing". The wife appealed the temporary relief order to the Fourth District Court of Appeal.

Temporary Attorney's Fees and Costs

On appeal, the wife argued the trial court erred in denying her temporary attorney's fees when she demonstrated she was unemployed and in a significantly inferior financial position to that of the husband. The wife claimed it was inequitable to require her to deplete her assets to pay her attorney on a temporary basis when the husband's income and assets substantially exceeded hers.

The *Hoff* court determined it was not an abuse of discretion for the trial court to deny wife's request for temporary attorney's fees despite the wife being unemployed and the husband's assets exceeding hers by a factor of over 20:1. The court noted that the wife admitted she could pay her outstanding attorney's fees from assets in her possession and that the evidence supported the trial court's implicit finding that the wife's request for future fees was unreasonable based on the lack of complexity of the case. The *Hoff* court further explained that temporary relief awards are among the areas where trial judges have the very broadest discretion and that interim attorney's fee awards are difficult to attack on appeal because the trial court can remedy any inequity in the final judgment.

Temporary Timesharing

The wife also argued on appeal that the trial court committed reversible error by awarding the parties "50/50 timesharing" without making explicit findings concerning the best interest of the child or addressing the factors set forth in

§ 61.13(3). The trial court's order on temporary relief did not contain any factual findings concerning timesharing and the court did not make any such findings on the record at the temporary relief hearing.

In affirming the trial court's temporary timesharing schedule, the *Hoff* court explained that Fourth District jurisprudence does require a trial court to make findings concerning whether a timesharing schedule/parenting plan is in the best interest of a child, but said requirement only applies to final judgments- not temporary orders. The court explained that the goal of temporary relief hearings is to promote stability in the lives of children while the divorce is pending and not to decide the final outcome for timesharing issues. Provided that a temporary relief order is supported by competent substantial evidence, it is not reversible error for a trial court to fail to address any of the § 61.13(3) factors or "make a rote statement" that the temporary timesharing schedule is in the best interests of a child.

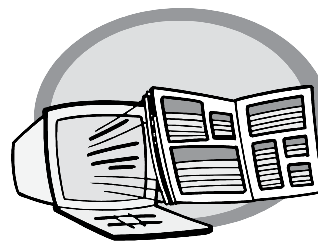
Takeaways from Hoff

Hoff has the potential to be a significant decision in the area of temporary attorney's fees. Divorce lawyers may be able to rely on *Hoff* to argue a spouse is not entitled to temporary attorney's fees regardless of comparative ability to pay when the spouse (1) has enough assets in their possession to pay their outstanding legal fees and (2) the amount of fees requested for future litigation is unreasonable. That said, practitioners should be cautioned that a family law judge has extremely broad discretion when it comes to temporary fee awards and a different result may well survive interlocutory appellate scrutiny under similar facts.

Additionally, *Hoff* reiterates longstanding jurisprudence that temporary timesharing orders will survive appellate review as long as there is not an abuse of discretion. A failure to make factual findings concerning the best interest of a child in a temporary order does not, in and of itself, constitute reversible error.

Christopher R. Bruce is a partner of the firm of Nugent Zborowski & Bruce. The firm's practice is strictly limited to divorce and family law matters. Christopher R. Bruce can be reached at (561) 844-1200 or cbruce@nugentlawfirm.com.

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June 14, 2013

Real Estate CLE Seminar
Bar Association Office



Richard Schwartz, Esq., (County Court Judge, Retired)

*Florida Supreme Court Circuit Civil Mediator also qualified in Residential Mortgage Foreclosure Mediation.
*Former Miami-Dade County Court Judge.
*Areas of Practice: Contract, Foreclosure, General Civil Practice, Personal Injury, Real Estate.



"In addition to serving on the bench for five years he also owned and operated five Burger King Restaurants. Judge Schwartz now focuses on bringing his legal and business experience to help mediate liability, contract and real estate disputes."

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FRIDAY, FEBRUARY 22, 2013

5:30 – 7:30 PM

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\$ 30.00 BRACELET IN ADVANCE OR \$ 35.00 AT REGISTRATION BOOTH
COMPLIMENTARY FOR JUDGES

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Bulletin Board

*** Ad Rates ***

CLASSIFIED ADVERTISING RATES: TO PLACE AN AD: 1) Please fax all ads to 561/687-9007. 2) Upon receipt you will be notified of cost. 3) Send payment by the 25th of the month. 4) Cost: 50 words or less \$50, 50-75 words \$65, up to 75 words with a box \$75. 5) Members receive 1 free classified ad per year (excluding professional announcements). Ads will only be re-run by re-faxing ad to 561/687-9007. Web-site advertising is also available for a cost of \$75 for a three week run. Payment must be received prior to publication and renewable only upon receipt of next payment.

The Palm Beach County Bar Association, its officers, directors, and staff do not endorse any product or service advertised. The PBCBA is committed to equal employment opportunity and does not accept employment ads which imply a preference based on race, color, sex, religion, national origin, disability, familial status, sexual orientation, age, marital status and gender identity or expression.

POSITIONS AVAILABLE

ASSOCIATE ATTORNEY POSITION AVAILABLE:

North county insurance defense firm seeks an associate with up to 5 years experience for busy PIP/No-Fault defense litigation. E-mail or fax resume to jhibbard@florida-law.com or fax attn: Jodi (561) 775-9821.

ASSOCIATE POSITION

AVAILABLE: 3-5 years minimum experience. Real Estate development, transactional work, condo/HOA, commercial/corporate/business, banking. Large firm experience preferred. High quality boutique AV rated firm in North Palm Beach County. Large firm salary proportionate to hours billed. Great lifestyle/work balance. Send resumes to kraynor@jhrjpa.com.

PROFESSIONAL ANNOUNCEMENTS:

The following announce their availability for referral, assistance and consultation.

SCOTT SUSKAUER: "AV" rated, Board Certified Criminal Trial Lawyer. Over 30 years of experience. All criminal matters in State and Federal Court including felonies, misdemeanors, DUI, juvenile and traffic matters, 1601 Forum Place, Ste. 1200, WPB, FL 33401; (561) 687-7866. www.suskauerlaw.com.

GREGORY TENDRICH, Esq.: "AV" rated, FINRA Arbitrator, Certified County Court Mediator & Former Series 7 licensed VP & Asst. General Counsel to national and regional NYSE & FINRA stock brokerage firms, is accepting referrals and is available to co-counsel, provide trial/arbitration consultation or assistance in matters involving the recovery of losses due to stock broker fraud, unsuitability, churning and misrepresentation, in addition to SEC, FINRA, NYSE and other regulatory enforcement matters. Please call (561) 417-8777 or visit www.yourstocklawyer.com.

GREY TESH: "Law is not black & white, it's Grey." Passionate, caring, prepared, truthful. Criminal defense (board certified) and personal injury, over 100 jury & non-jury trials, Federal (nationwide) and State. aaacriminaldefense.com & floridainjuryaccidentlawyers.com. 1610 Southern Blvd, WPB, FL 33406. (561) 686-6886.

MARINA D. PETILLO: Experienced Marital/Family Law Attorney is now available as a **Parenting Coordinator**. For more information, please visit www.petilloparentingcoordinationandmediation.com. Also available as a **Family Law Mediator** and **Guardian/Attorney Ad Litem**. Reasonable rates for all services. 800 Village Square Crossing, Suite 105, Palm Beach Gardens, FL 33410; (561) 656-2015; mpetilloesq@gmail.com.

OFFICE SPACE

OFFICE SUBLEASE IN CENTURION TOWER: McCabe Rabin, P.A., 1601 Forum Place, West Palm Beach. Includes office, file space and a secretarial station, and access to a high speed copier/scanner, two conference rooms, a full kitchen and internet. \$1,500/month. Call Beth (561) 659-7878.

OFFICE SPACE TO SHARE IN PALM BEACH GARDENS: Beautiful law office. Separate secretarial station available. Conference room/library, kitchen, private bath. Close to PGA Blvd and North County Courthouse. Ample parking. Call (561) 478-2102 for further details.

PROFESSIONAL OFFICE SPACE IN PALM BEACH GARDENS: Beautiful layout. Close to PGA Blvd and North County Courthouse. Approx 1100 sf, 4 inner offices and private bath. Ample parking. Call (561) 478-2102 for further details.

NPB PROFESSIONAL OFFICE SPACE FOR LEASE: 1,080 sf suite; 3 offices, conference room, reception area, kitchen, covered parking. U.S. Hwy #1. Call Jeff (561) 714-0660.

LAW OFFICE SPACE FOR RENT: Prosperity Farms Road and RCA Blvd. 3 or 4 offices, reception area, kitchen and large conference room. All or part available. Market price, negotiable. Call (561) 493-8000.

EXECUTIVE SUITES/OFFICE SPACE: WPB, Forum Area, east of I-95, single offices available with or without secretarial area. Office set up with conference rooms, library, parking, full kitchen and reception area. Great friendly environment with long-term tenants. Available immediately, no lease required. For more information call (561) 389-3468.

HEARSAY



Linda Dickhaus Agnant, Certified Construction lawyer and Certified mediator, is pleased to announce the opening of The Agnant Law Firm at 301 Clematis Street, Suite 3000, West Palm Beach FL 33401; telephone (561) 444-3583. The firm will continue to provide dispute resolution services to the construction industry.

Jones Foster announces that **Stephanie Eassa Rapp** was recently appointed to serve as the Junior League representative on the Board of Directors of Quantum House.

David Steinfeld has been appointed to the Advisory Board of the ESI Roundtable. The ESI Roundtable is a community of lawyers and judges from Alabama to Florida that meet to discuss and promote best practices in electronic discovery in civil lawsuits.



PALM BEACH COUNTY BAR ASSOCIATION

BULLETIN

1507 Belvedere Road, West Palm Beach, FL 33406

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** FLORIDA BAR PRESIDENT
*** DECEASED, FLORIDA BAR PRESIDENT, SUPREME COURT JUSTICE
**** DECEASED, FLORIDA BAR PRESIDENT
***** DECEASED, FLORIDA BAR PRESIDENT, FEDERAL COURT JUDGE

CALENDAR February 2013

Friday, February 1,
11:45am – 1pm
**Joint Luncheon with Federal Bar
and Bankruptcy Bar Associations.**
Guest speaker is 11th Circuit
Chief Judge Joel Dubina
Marriott WPB

Friday, February 1,
Noon – 4:30pm
Workers' Comp. CLE Seminar
Bar Association Office

Tuesday, February 5, Noon – 1pm
**Corporate Law & Counsel
Committee Meeting**
Bar Association Office

Wednesday, February 6,
5:30pm – 7:30pm
FAWL Judicial Reception
Norton Art Gallery

Thursday, February 7,
5:30pm - 8:30pm
NCS BBQ & Casino Party
Bonniette Hunt Club

Saturday, February 9, 8am – 12pm
**YLS Habitat for
Humanity Project**

Monday, February 11, 8am – 5pm
ADR Seminar
Bar Association Office

Tuesday, February 12,
11:45am – 1pm
**SPBCBA
Membership Luncheon**
Boca Country Club

Tuesday, February 12, Noon – 1pm
YLS Board Meeting
Bar Association Office

Wednesday, February 13,
Noon – 1:30pm
NCS Board Meeting

Wednesday, February 13,
Noon – 1pm
**Professionalism
Committee Meeting**
Bar Association Office

Thursday, February 14,
11:45am – 1:00pm
SPBC FAWL Luncheon

Monday, February 18
Court Holiday – President's Day
Bar Office Closed

Tuesday, February 19,
11:30am – 2pm
**Employment Law
CLE Seminar**
Bar Association Office

Tuesday, February 19,
Noon – 1pm
BBC Committee Meeting
Bar Association Office

Wednesday, February 20,
11:45am – 1:00pm
Judicial Luncheon
North end of cafeteria, Main
Courthouse, WPB

Thursday, February 21,
11:45am – 1:00pm
**Judicial Relations
Committee Meeting**
Judicial Conference Room,
Main Courthouse, WPB

Saturday, February 23,
12:00 noon
**Cunningham Bar Association
Annual Holland
Scholarship Luncheon**
Ritz Carlton, Manalapan

Monday, February 25,
6:30pm – 7:00pm
Small Claims Clinic
Wellington Library

Tuesday, February 26,
Noon – 1:00pm
CDI Committee Meeting
Bar Association Office

Wednesday, February 27,
5:00pm – 6:30pm
**PBCBA Board of Directors
Meeting**
Bar Association Office

Wednesday, February 27,
6:30pm – 8:00pm
Landlord Tenant Program
Lantana Library

Thursday, February 28,
11:45am – 1:00pm
**SPBC FAWL Judicial
Reception**
Sundy House

Thursday, February 28,
5:30pm – 7:00pm
YLS Happy Hour
TBD